

# 13

Docket Number 35717YA

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

In re Application of: Steven E. Koenck

Application No. 08/415,075

Examiner: Mr. K. Shin

Filed: March 30, 1995

Group Art Unit 2111

**RECEIVED**

For: "Battery Pack Having Memory"

APR 04 2000

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The owner, Norand Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond June 19, 2006 corresponding to the expiration date of the twenty year full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior Patent No. 4709202. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent as described above: even though the term of the prior patent is presently shortened by terminal disclaimer, and even though the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to June 19, 2006.

Check either box 1 or 2 below, if appropriate,

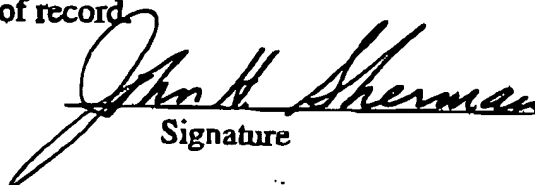
1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

August 29, 1996

Date

  
Signature

John H. Sherman, Reg. 16909

Typed or printed name

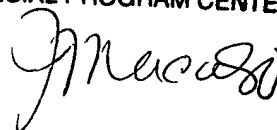
- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.  
☒ PTO suggested wording for terminal disclaimer was  
☐ unchanged. ☒ changed; see the explanation below:

Pursuant to an agreement reached with Examiner Shin during the telephone interview of August 29, 1996, the owner is only disclaiming the term of the patent to be granted hereon which would extend beyond twenty years from the filing date of June 19, 1986 of the prior Patent No. 4709202.

TERMINAL DISCLAIMER  
NOT APPROVED

APR 04 2000

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**F A C S I M I L E   C O V E R S H E E T**

**DATE:**        March 15, 2000

**TIME:**        10:47:55 AM

**CLIENT/MATTER CODE:** 00579-10661US03

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**FROM:**            Christopher C. Winslade

**Total number of pages, including cover sheet:** 4

**RE S.N. 09/270,302:** As we discussed, attached is a copy of the terminal disclaimer and transmittal letter filed in the 5,619,117 patent. I believe this will help clear this issue up.

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of McAndrews, Held & Malloy that may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

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**TO: EXAMINER K. SHIN**  
**FAX NO.: (703) 305-3431**  
**U.S. PATENT AND TRADEMARK OFFICE**  
**WASHINGTON, D.C. 20231**

Patent Application of: Steven E. Koenck

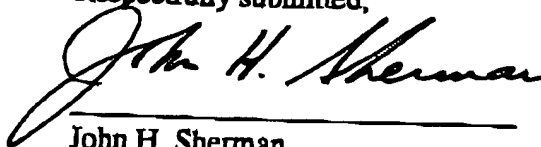
Application No. 08/415,075

Filed: March 30, 1995      Group Art Unit 2111

For: "Battery Pack Having Memory"  
(Attorney Docket No. 35717YA)

Pursuant to a telephone interview with Examiner Shin of August 29, 1996, applicant hereby cancels claims 7 and 8, without prejudice, and submits herewith a Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent, in order that the patent hereon may issue without delay. Please charge Deposit Account No. 14-1190 in the amount of \$110.00 to cover the charge for the Terminal Disclaimer.

Respectfully submitted,

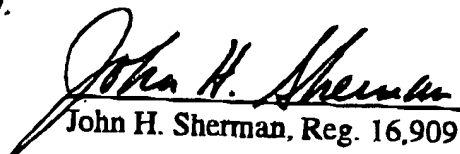


John H. Sherman  
Reg. No. 16,909  
Attorney for Applicant

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper and accompanying Terminal Disclaimer (a total of three sheets including this Certification) are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

August 29, 1996  
Date



John H. Sherman, Reg. 16,909

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